

# RESEARCH BRIEF

## SCHOOL CLOSURES UNDER THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009 (RTE) AND STATE EDUCATION ACTS

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## Data on school closures

The data presented below is collected between March, 2014 and May, 2016 through three key sources – a) Literature review of News Reports of credible regional and national English newspapers, b) Analysis of State and Central Government reports on school closures or actual closure notices and c) Review of litigation on the issue of school closures

Sr. No.	State	Schools Closed*		Closure Notices Served**		Closure Threat***	
		2014	2015-16	2014	2015-16	2014	2015-16
1	Andhra Pradesh	400	NA <sup>#</sup>	NA	NA	800	586
2	Assam	NA	NA	NA	NA	NA	145
3	Delhi	300	NA	NA	NA	750	300
4	Haryana	713	NA	NA	NA	1379	1206
5	Himachal Pradesh	NA	4	NA	NA	NA	NA
6	Jharkhand	NA	NA	NA	NA	278	NA
7	Karnataka	NA	NA	NA	NA	8	1400
8	Madhya Pradesh	NA	998	NA	NA	NA	NA
9	Maharashtra	NA	NA	NA	7000	1404	1539
10	Odisha	NA	NA	NA	NA	NA	573
11	Puducherry	NA	1	NA	NA	NA	NA
12	Punjab	1170	NA	NA	NA	NA	219
13	Tamil Nadu	574	NA	NA	746	1000	NA
14	Telangana	NA	NA	NA	NA	NA	75
15	Uttar Pradesh	NA	NA	NA	50	288	NA
<b>TOTAL</b>		<b>3157</b>	<b>1003</b>	<b>0</b>	<b>7796</b>	<b>5907</b>	<b>6043</b>

### Notes:

\* **Schools Closed:** Schools declared shut as per official government documents such as closure notices or reports

\*\***Closure Notices Served:** Actual closure or show-cause notices served to the schools by any competent authority

\*\*\***Closure Threat:** Non-official public announcements made by government officials or ministers with or without actual closure notices issued

# **NA:** No specific data available in public domain as on April 2016

### **Announcements and Notices Vs Actual Closures**

It is observed that the announcements made by officers of education department including education ministers, are not always followed by immediate legal action against the schools. There have been various instances of government functionaries giving unofficial statements to news publications about plans to shut schools without any actual legal notices served to such schools.

In case of Delhi, it was observed that although an official list (See Annex D) of 300 unrecognized schools which could potentially be closed down, was published by the Department of Education, Government of NCR of Delhi, however, until April 2016, none of the schools were either served official notices or actually closed down.

Based on our interactions with representatives of unaided private school owners from 15 states listed in the table above, it is observed that the official announcements have often led to panic amongst parents who are unsure whether the schools where their wards have been enrolled would remain operational through the academic year. In some cases, such as in case of Barnala and Mansa Districts of Punjab<sup>1</sup> it was observed that after the official announcement, many a school owners closed down the schools voluntarily. In these cases, Government has not taken any action to accommodate the children enrolled in closed schools in nearby schools as prescribed in model rules of RTE, 2009. It was also observed in the same case that the notices (See Annex C) served to the schools were served under Section 12 (1) (C) of RTE, 2009, which does not have provide for closure of schools.

### **Factors delaying closures**

In several cases, private schools have challenged government notices for closure in the appropriate courts. E.g. In case of A.V. Public School Vs State of Haryana (CWP No. 21269 of 2013, see Annexure B), the High Court of Punjab & Haryana quashed an order of the Director, Secondary Education, Haryana directing blanket closure of a number of private schools. The government was directed to look at the case of each school individually, giving them a chance to respond to any queries regarding non-compliance and pass school-specific orders accordingly. Unsuccessful or pending cases, too, do not always result in immediate closures. In other instances, political intervention has been known to elongate or halt the proceedings that generally follow a closure notice.

### **Indirect Closures**

Most news reports that are the sources of the data above convey the number of schools shut or considered being shut by direct governmental action as a result of non-

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<sup>1</sup> [http://ccs.in/sites/default/files/research/research\\_school-closures-punjab.pdf](http://ccs.in/sites/default/files/research/research_school-closures-punjab.pdf)

compliance with norms under either the RTE Act or the respective State education acts. In addition to these, several schools have ceased their operations voluntarily or as a result of reduced enrolment caused by the fear of private school closure on the part of parents. Apart from rare single-school case studies, there is no way to gauge the number of schools which have indirectly shut as a result of the norms prescribed by these laws.

## References

No	Name	Link	Publication Date
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2.	"Pvt schools' body worried by threat to close 1,400 schools", <i>Business Standard</i>	<a href="http://www.business-standard.com/article/current-affairs/pvt-schools-body-worried-by-threat-to-close-1-400-schools-114110601571_1.html">http://www.business-standard.com/article/current-affairs/pvt-schools-body-worried-by-threat-to-close-1-400-schools-114110601571_1.html</a>	06/11/14
3.	"AP Rc.163 Close the Un Recognized Private Schools-Instructions", <i>www.tteachers.in</i>	<a href="http://www.tteachers.in/2015/06/rc163-close-un-recognized-private-schools.html?m=0">http://www.tteachers.in/2015/06/rc163-close-un-recognized-private-schools.html?m=0</a>	22/04/15
4.	"Most private schools illegal", <i>The Telegraph</i>	<a href="http://www.telegraphindia.com/1150405/jsp/northeast/story_12730.jsp#.VoNqzRV97IV">http://www.telegraphindia.com/1150405/jsp/northeast/story_12730.jsp#.VoNqzRV97IV</a>	04/04/15
5.	"Delhi: 300 private schools under state government scanner for not meeting", <i>The Indian Express</i>	<a href="http://indianexpress.com/article/cities/delhi/delhi-300-private-schools-under-state-government-scanner-for-not-meeting-norms/">http://indianexpress.com/article/cities/delhi/delhi-300-private-schools-under-state-government-scanner-for-not-meeting-norms/</a>	Sptember, 20 2015
6.	"Haryana cracks the whip on unregulated schools", <i>Mail Today</i>	<a href="http://indiatoday.intoday.in/story/haryana-bans-private-unregulated-schools/1/451782.html">http://indiatoday.intoday.in/story/haryana-bans-private-unregulated-schools/1/451782.html</a>	16/07/15
7.	"Karnataka Minister wants to shut 1,400 schools", <i>Deccan Chronicle</i>	<a href="http://www.deccanchronicle.com/141030/nation-current-affairs/article/karnataka-minister-wants-shut-1400-schools">http://www.deccanchronicle.com/141030/nation-current-affairs/article/karnataka-minister-wants-shut-1400-schools</a>	30/10/14
8.	"1,017 schools operating in Mumbai without renewal of recognition", <i>The Indian Express</i>	<a href="http://indianexpress.com/article/cities/mumbai/1017-schools-operating-in-mumbai-without-renewal-of-recognition/">http://indianexpress.com/article/cities/mumbai/1017-schools-operating-in-mumbai-without-renewal-of-recognition/</a>	29/12/15
9.	"Schools with less than 20 students may close down", <i>The Times of India</i>	<a href="http://timesofindia.indiatimes.com/city/pune/Schools-with-less-than-20-students-may-close-down/articleshow/42294542.cms">http://timesofindia.indiatimes.com/city/pune/Schools-with-less-than-20-students-may-close-down/articleshow/42294542.cms</a>	12/09/14
10.	"Why did government ask 7,000 schools to shut down?", <i>Mid-Day</i>	<a href="http://www.mid-day.com/articles/why-did-government-ask-7000-schools-to-shut-down/17167162">http://www.mid-day.com/articles/why-did-government-ask-7000-schools-to-shut-down/17167162</a>	25/04/16
11.	"Pvt schools not following	<a href="http://www.tribuneindia.com/news/punja">http://www.tribuneindia.com/news/punja</a>	24/02/15

	RTE norms, finds study”, <i>The Tribune</i>	<a href="http://pvt-schools-not-following-rte-norms-finds-study/45951.html">b/pvt-schools-not-following-rte-norms-finds-study/45951.html</a>	
12.	“For 1st time in 7 yrs, number of private schools dips in state”, <i>The Times of India</i>	<a href="http://timesofindia.indiatimes.com/city/chennai/For-1st-time-in-7-yrs-number-of-private-schools-dips-in-state/articleshow/48752275.cms">http://timesofindia.indiatimes.com/city/chennai/For-1st-time-in-7-yrs-number-of-private-schools-dips-in-state/articleshow/48752275.cms</a>	01/09/15
13.	“Schools facing closure seek court directive”, <i>The Hindu</i>	<a href="http://www.thehindu.com/news/cities/chennai/schools-facing-closure-seek-court-directive/article8473450.ece">http://www.thehindu.com/news/cities/chennai/schools-facing-closure-seek-court-directive/article8473450.ece</a>	14/04/16
14.	“Get good results or close down: collector to private schools”, <i>Dailyhunt</i>	<a href="http://m.dailyhunt.in/news/india/english/thehansindia-epaper-hans/get-good-results-or-close-down-collector-to-private-schools-newsid-36088411">http://m.dailyhunt.in/news/india/english/thehansindia-epaper-hans/get-good-results-or-close-down-collector-to-private-schools-newsid-36088411</a>	07/02/15
15.	“Edu dept orders closure of ‘unrecognised’ schools”, <i>The Times of India</i>	<a href="http://timesofindia.indiatimes.com/city/bareilly/Edu-dept-orders-closure-of-unrecognised-schools/articleshow/51970214.cms">http://timesofindia.indiatimes.com/city/bareilly/Edu-dept-orders-closure-of-unrecognised-schools/articleshow/51970214.cms</a>	24/04/16